

Remarks

Claims 1, 115-122, 124, 126, 129-140, 145, and 146 are pending in the subject application and read on the elected invention. Applicants acknowledge that claims 123, 125, 127, 128, 141-144, and 147-179 have been withdrawn from further consideration as being drawn to a non-elected invention. Accordingly, claims 1 and 115-179 (with claims 123, 125, 127, 128, 141-144, and 147-179 standing withdrawn) are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Claims 1, 115-122, 124, 126, 129-140, 145, and 146 are rejected under 35 U.S.C. § 103(a) as obvious over Erion *et al.* (U.S. Patent No. 6,756,360) in view of Weber *et al.* (U.S. Patent No. 3,454,635). Claims 1, 115-122, 124, 126, 129-140, 145, and 146 are also rejected under 35 U.S.C. § 103(a) as obvious over Jiang *et al.* (U.S. Patent No. 6,965,033) in view of Weber *et al.* (U.S. Patent No. 3,454,635). Applicants respectfully reiterate the arguments made previously and assert that the presently claimed invention is not obvious over the cited art.

Applicants further assert that under the provisions of 35 U.S.C. 103(c) the Jiang *et al.* and Erion *et al.* references may not be used in making a § 103(a) rejection. By the present amendment, Applicants have added to the specification the names of parties to a joint research agreement that was in effect on or before the date the presently claimed invention was made. Applicants have further presently provided a statement in compliance with 37 CFR 1.104(c)(4) to the effect that the cited art and the claimed invention were made by or on the behalf of the parties to the joint research agreement, within the meaning of 35 U.S.C. 103(c)(3), which was in effect on or before the date the claimed invention was made, and that the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement. The statement presently provided is on a separate paper and is not directed to other matters (37 CFR 1.104(c)). The statement presently provided is signed in accordance with 37 CFR 1.33(b). Accordingly, reconsideration and withdrawal of the rejection of record is respectfully requested.

Claims 1, 115-122, 124, 126, 129-140, 145, and 146 are rejected under the judicially created doctrine of “obviousness-type” double patenting over claims 51-55 of U.S. Patent No. 6,965,033. Claims 1, 115-122, 124, 126, 129-140, 145, and 146 are also rejected under the judicially created doctrine of “obviousness-type” double patenting over claim 1 of U.S. Patent No. 6,756,360.

Applicants respectfully reiterate the arguments made previously and assert that the presently claimed invention is not obvious over the cited art; nevertheless, to expedite prosecution, Applicants have presently filed a terminal disclaimer in compliance with 37 C.F.R. 1.321(d) and request withdrawal of these rejections.

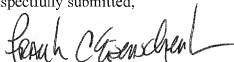
Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachments: Terminal Disclaimer

Exclusion of Prior Art Under 35 U.S.C. § 103(c) (Create Act)